

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AARON ABADI,	:	
	:	Case No.: 1:23-cv-04033-LJL
Plaintiff,	:	
- against -	:	STIPULATION AND ORDER
	:	OF DISMISSAL PURSUANT
AMERICAN AIRLINES GROUP., INC., et al.,	:	TO F.R.C.P. 41(a)
	:	
Defendants.	:	
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IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Aaron Abadi and Defendants Allegiant Air, LLC; Asiana Airlines Inc.; Azul Linhas Aéreas Brasileiras S.A.; Austrian Airlines AG; Air Canada; Cathay Pacific Airways, Limited; EL AL Israel Airlines Ltd.; Emirates; Etihad Airways PJSC dba Etihad Airways Company; Eva Airways Corporation; Finnair OYJ; Frontier Airlines, Inc.; Gulf Air Group Holding Company B.S.C. (c) (incorrectly named in Plaintiff’s Complaint as “Gulf Air Holding B.S.C.”); Alia - The Royal Jordanian Airlines Company dba Royal Jordanian Airlines; Kenya Airways; Korean Air Lines Co., Ltd.; Deutsche Lufthansa Aktiengesellschaft (incorrectly named in Plaintiff’s Complaint as “Lufthansa Systems Americas, Inc.”); Southern Airways Express, LLC dba Mokulele; Philippine Airlines; Qatar Airways Group Q.C.S.C. (incorrectly named in Plaintiff’s Complaint as “Qatar Airways Q.C.S.C. dba Quatar Airways Q.C.S.C. Corporation”); Swiss International Air Lines AG; Air Tahiti Nui; Turk Hava Yollari Anonim Ortakligi (incorrectly named in Plaintiff’s Complaint as “Turkish Airlines, Inc.”);

Anita Ayala; MedAire, Inc.; and Center for Emergency Medicine of Western Pennsylvania, Inc. dba STAT-MD (collectively the “Stipulating Defendants”), by and through their respective counsel, that all claims asserted by Plaintiff in the above-captioned action are hereby dismissed, without prejudice, against the Stipulating Defendants (the “Dismissed Claims”);

AND IT IS FURTHER STIPULATED AND AGREED that the dismissal of the Dismissed Claims automatically will become with prejudice: (a) with respect to each cause of action as to which Plaintiff does not timely appeal to the United States Court of Appeals for the Second Circuit (“Second Circuit”) the dismissal of the corresponding cause of action against other airline and airline-adjacent defendants as reflected in this Court’s March 29, 2024 Opinion and Order [ECF No. 346]; (b) in the event of a timely appeal with respect to each cause of action as to which the Second Circuit affirms dismissal of the corresponding cause of action against other airline and airline-adjacent defendants; and (c) with respect to each cause of action that Plaintiff fails to re-file within thirty (30) days of the date the Second Circuit issues any mandate reversing the dismissal of the corresponding cause of action against other airline and airline-adjacent defendants.

AND IT IS FURTHER STIPULATED AND AGREED that in the event the Second Circuit’s decision indicates that any cause of action was properly dismissed but would have stated a viable claim under a different set of circumstances as specifically stated by the Second Circuit, Plaintiff reserves the right to re-file such cause of action within thirty (30) days of the date the

Second Circuit issues a mandate, provided that such re-filing alleges circumstances consistent with the appellate court's guidance.

AND IT IS FURTHER STIPULATED AND AGREED that the Stipulating Defendants agree to toll any statute of limitations that had not expired on or before May 1, 2023 for a period of time up to and including the later of: (a) the last date by which Plaintiff can timely appeal this Court's March 29, 2024 Opinion and Order, in the event Plaintiff fails to appeal that Opinion and Order; or (b) the date thirty (30) days after the date the Second Circuit issues a mandate, in the event Plaintiff appeals that Opinion and Order.

IT IS FURTHER STIPULATED AND AGREED that all parties will bear their own attorneys' fees, expenses and costs.

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Dated: May 29, 2024

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Dated: May 29, 2024

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Dated: May 29, 2024

SO ORDERED:

Dated:

LEWIS J. LIMAN
United States District Judge